



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: 400 MARINE CORPS DRIVE, FORT MYERS, FL 33901  
Washington, DC 20503  
www.uspto.gov

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 986,878	11 13 2001	Lukas Zehnder	004501-610	6263

7590 02 14 2003

Robert S. Swecker  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404

EXAMINER

DONOVAN, LINCOLN D

ART UNIT	PAPER NUMBER
----------	--------------

2832

DATE MAILED: 02 14 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/986,878

Applicant(s)  
Zehnder et al.

Examiner  
Lincoln Donovan

Art Unit  
2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) Responsive to communication(s) filed on \_\_\_\_\_

2a) This action is **FINAL**. 2b) ☒ This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-6 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-6 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are a) \_\_\_\_\_ accepted or b) \_\_\_\_\_ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) \_\_\_\_\_ approved b) \_\_\_\_\_ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) \_\_\_\_\_ Some\* c) \_\_\_\_\_ None of:

1. ☒ Certified copies of the priority documents have been received.

2. \_\_\_\_\_ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. \_\_\_\_\_ Copies of the certified copies of the priority documents have been received in this National Stage

Application from the International PCT No. PCT/EP 01/112

1b) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

Attachment(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☒ This communication is being furnished to the Applicant by the Examiner.

Art Unit: 2832

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, in lines 1-2, applicant should clarify the specific arrangement intended by "a quenching chamber which is *arranged rotationally symmetrically about a central axis*". It is not clear what is intended by "arranged rotationally" and what the axis is relative to. In line 8, it is not clear what "cover" and "contact making surface" applicant intends. In lines 10-11, applicant should clarify the structure dielectric shielding provided by the "cover" as this is not clearly defined.

Art Unit: 2832

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, as best able to be understood in view of the rejections under 35 U.S.C. 112, second paragraph, are rejected under 35 U.S.C. 102(b) as being anticipated by DE 19613568.

DE 19613568 discloses a contact zone [figures 1 & 2] of a quenching chamber comprising:

- at least two stationary consumable contacts [9] in the form of contact rings;

- insulating covers [36] partially covering the consumable contacts, held in place by a "bead" [figure 2], wherein the leading edge of the contact-making edge of the stationary cover is shielded.

*Allowable Subject Matter*

6. Claims 3-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Art Unit: 2832

- Niemeyer [US 4,843,199].

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.

The fax number for this Group is (703)-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

LDD

February 7, 2003

A handwritten signature in black ink, appearing to be 'LDD', is located in the lower right quadrant of the page. The signature is stylized with a large, sweeping 'L' and a short 'D'.